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THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

THE REALIZATION OF THE RIGHT TO EDUCATION, INCLUDING EDUCATION IN HUMAN RIGHTS

Written statement submitted by the American Association of Jurists, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 June 1999]

1. In theory the right to education is a right which is the same for everyone; but in practice this is not the case. It can be observed that for a substantial proportion of humankind the right to education, enshrined in article 26 of the Universal Declaration of Human Rights and article 13 of the International Covenant on Economic, Social and Cultural Rights is not effective. In 1990, according to the UNESCO World Report on Education, 1991, there were 948 million illiterate adults throughout the world. The highest rates of illiteracy were to be found in the poor countries and, within each country, among the poor, and particularly among women and children. The assertion that illiteracy worldwide is falling is not entirely true; while it is true that the worldwide illiteracy rate is falling in percentage terms, the actual number of illiterate adults is not. 1/

2. In addition, the growing poverty among large sections of the population and reductions in social expenditure in many countries as a result of adjustment policies have given rise to increases in the school dropout rate. The UNICEF report entitled The State of the World's Children, 1989 stated that spending on education in the 37 poorest nations had decreased by 25 per cent and that "in almost half of the 103 developing countries from which recent information is available, the proportion of 6-to-11-year-olds enrolled in primary school is now falling" (loc. cit., p. 1). As regards more specifically girls, "the increasing tendency in many areas to keep girls out of school to help with their mothers' work virtually ensures that another generation of females will grow up with lesser prospects than their brothers". In Africa, for example, according to Ms. Phoebe Asiyo of the United Nations Development Fund for Women, "more and more girls are dropping out of both primary and secondary school or just missing school altogether due to increasing poverty". 2/

3. Some people assert the necessity of overcoming this educational deficit and guaranteeing minimum needs in the educational field. Why speak of minimum needs and not simply of educational needs? Because, as is stated in an article in the UNESCO review Prospects (No. 101), which is entirely devoted to the subject of globalization of the economy and of educational policies: "The occupational pattern of the pyramid of unskilled, skilled and management staff was parallelled by the pyramid pattern of primary education for all, secondary for a selected group and higher education for an elite". 3/

4. Professor Ferrán Ferrer 4/ states that education as it presently exists reproduces social inequalities. That is why those persons who accept the perpetuation of social inequalities speak of the satisfaction of minimum educational needs - literacy (in the best of cases) for the masses and higher education for the governing elite. Beginning at primary school, the conditions are created which will send a substantial proportion of the children into production as early as possible; in other words, they receive "useful, moneymaking skills" 5/

5. The problems arising at the present time in connection with the right to education cannot be considered in isolation from the specific nature of contemporary society, which is marked by an increasingly rapid process of globalization in every field. Economic globalization has speeded up the tendency to divide human beings into four categories: the governing elites; workers ("human resources", the cost of which attempts are being made to

reduce); customers (if possible, solvent); and a fourth category - the marginalized. Education is faced with the great challenge of helping to eradicate this categorization of human beings and to restore the concept of the citizen and of the intrinsic quality of human beings as individuals and as members of the national and international communities. This task is the responsibility not only of teaching institutions but also of the mass communication media, the family and the community, which are also vectors of education.

6. Education generally, and human rights education in particular, should be based on the stimulation of critical thinking and the promotion of independent reflection. "The right to learn is: the right to read and write; the right to question and analyse; the right to imagine and create; ... the right to develop individual and collective skills" (quotation from the Declaration of the Fourth International Conference on Adult Education, Paris, 19-29 March 1985). A human being whose thinking has been domesticated is incapable of claiming, and even of enjoying, his rights.

7. But in practice the mass communication media, which are one of the principal vectors of education, transmit the "evidence" and choices offered by the currently dominant ideologies. Television - the most powerful medium for the orientation of public opinion and an appropriate means of communication for the supplanting of reasoning by images and the replacement of "I think, therefore I am" by "I feel, therefore I am" - fully played its part in the gigantic disinformation machine which functioned during the Balkan war. For instance, when the Serbs captured three American soldiers, the text of the Geneva Conventions on the treatment of prisoners of war appeared on the television screens; but the communication media never attempted to establish any relationship between the NATO bombardments and those same Conventions. The selective information transmitted by image was supplemented by disinformation. What percentage of public opinion was aware of the true situation in Kosovo before the bombardments began; of the content of the conditions presented by NATO to Yugoslavia as an ultimatum at Rambouillet; of the anti-war demonstrations in different countries of the world; of the charges of war crimes laid against the NATO leaders before the International War Crimes Tribunal for the former Yugoslavia by groups of jurists in several countries; of the anti-war declarations made by many eminent persons in different countries; of the air raids on Yugoslavia in which fragmentation and depleted-uranium bombs were used with serious and very long-term effects on the environment and health?

8. The communication media even ignored the decisions of the International Court of Justice dated 2 June 1999. The Court rejected the application for provisional measures (cessation of the bombardments) submitted by the Republic of Yugoslavia against various member States of NATO, but in the majority of cases it decided to remain seized of the substance of the case (condemnation for aggression and compensation for damage). Furthermore, the Court in its statement of reasoning said that it was "profoundly concerned with the use of force in Yugoslavia" which "raises very serious issues of international law"; and, "mindful of the purposes and principles of the United Nations Charter and of its own responsibilities in the maintenance of

peace and security under the Charter and [its] Statute", the Court deemed it "necessary to emphasize that all parties before it must act in conformity with their obligations under the United Nations Charter and other rules of international law, including humanitarian law". 6/

9. In other words, the call for respect for international law addressed by the highest court in the international community was concealed from public opinion. This unilateral presentation of the Balkan war was adopted not only by the mass communication media but also by the great Powers, certain non-governmental organizations and even high-level bodies in the United Nations system. This practice is contrary to human rights education, the basis for which must be the concept of respect for human beings regardless of race, religion or nationality, the defence of peace and peaceful coexistence of peoples and States, the peaceful settlement of disputes, etc., all within the framework of the standards approved by the international community, including the United Nations Charter and the Universal Declaration of Human Rights. An attempt is being made to impose the idea that what is done by the strongest is automatically right. This is diametrically opposed to the concept of universal respect for the standards established by the international community and currently in force.

10. Human rights education should also be based on an integrated approach to human rights recognizing the mutual dependency of civil and political rights and economic, social and cultural rights on one another. Experience has shown that the economic and financial policies which debar majorities from the enjoyment of economic, social and cultural rights are decided on by minority groups which begin by setting aside the principles of representative democracy and people's participation and end by violating the civil and political rights of the citizens as well as their economic, social and cultural rights.

11. On various occasions when addressing the Commission on Human Rights, the American Association of Jurists has insisted on the need to incorporate economic, social and cultural rights in advisory and technical assistance activities.

12. In conclusion, the American Association of Jurists considers that:

(a) Human rights teaching should help to foster in individuals a critical awareness vis-à-vis society and should constitute a contribution to the liberation and full development of the individual;

(b) That teaching should cover all rights without exception, considering their indivisibility;

(c) It should include not only standards and procedures but an apprenticeship in measuring realities against those standards.

Notes

1/ Ali Hamadache, "Literacy, human rights and peace", Literacy Lessons series, UNESCO-IBE, 1990, p. 5.

2/ Jodi L. Jacobson, "Gender bias, poverty and the population trap" in Populi, the magazine of the United Nations Population Fund, Vol. 19, No. 4, October 1992, p. 12.

3/ Phillip Hughes, "Education and work: dialogue between two worlds", in Prospects, UNESCO, No. 101, March 1997, p. 9.

4/ Ferrán Ferrer: "The right to education and programmes to remedy inequalities" (E/C.12/1998/20).

5/ George Kent, "The right to quality education" (E/C.12/1998/13).

6/ International Court of Justice, Press Communiqué 99/26, 2 June 1999: Legality of use of force (Yugoslavia v. France).